

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVARIOL MARQUAVIS TAYLOR,

Plaintiff,

Case No. 1:21-cv-988

v.

Honorable Ray Kent

UNKNOWN PURDOM et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Macomb Correctional Facility (MRF) in New Haven, Macomb County, Michigan, and the events giving rise to Plaintiff's action occurred at that facility. Plaintiff sues the following MRF officials: Sergeant Unknown Purdom, Registered Nurse Unknown Bean, Case Manager Unknown Johnson, and Correctional Officer Unknown Itota. In his *pro se* complaint, Plaintiff alleges that Defendants failed to take appropriate action after he was stabbed and sexually assaulted on multiple occasions by his cellmate. After Plaintiff reported his cellmate's assaults, Plaintiff alleges that Defendants retaliated against him. Plaintiff contends that Defendants' actions violated his rights under the First, Eighth, and Fourteenth Amendments.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events underlying the complaint occurred in Macomb County. Defendants are public officials serving in Macomb County, and they "reside" in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*,

114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Macomb County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: January 26, 2022

/s/ Ray Kent
Ray Kent
United States Magistrate Judge